

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5618 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

NATWARBHAI M PARMAR

Versus

COLLECTOR

Appearance:

MR MANOJ SHRIMALI FOR MR GIRISH PATEL for Petitioner
MS MANISHA LAVKUMAR for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 08/08/2000

ORAL JUDGEMENT

#. This is a case where in case the matter would have been decided without reply of the respondents, possibly the petitioner would have got appointment on forged list which was alleged to be sent from the office of the District Backward class Welfare Officer. However, the court considered it to be appropriate in this matter to

call the Collector to remain present. He remained present on the last date and he was given direction to file reply and reply has been filed. Therefrom, now these facts have been revealed that the list in which the name of the petitioner was there was a forged list. A criminal case has also been filed in which the petitioner is one of the prosecution witnesses. The appointment which is got on the basis of a forged list is not an appointment in the eye of law and in case it is recalled by the Collector without any notice or opportunity to the petitioner, this action is perfectly legal and justified in which no interference of this court is called for.

#. Rejoinder to the reply has not been filed by petitioner, meaning thereby, the averments made in the reply stand uncontroverted. It is fortunate for the State Government that at the initial stage this forgery was detected and accordingly action has been taken.

#. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, earlier granted stands vacated. No order as to costs.

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(sunil)